

Message Text

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UNCLAS SECTION 1 OF 2 USUN 337

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SUBJ: SMUN COMPLAINT ON VIOLATION OF TRAFFIC REGULATIONS BY
SOVIET DIPLOMATS

REF: USUN 232 AND USUN 267

1. USUN HAS FORWARDED NOTE VERBALE DATED JANUARY 31, 1975
TO SMUN IN RESPONSE TO SMUN'S NOTE VERBALE OF JANUARY 21ST
CONCERNING VIOLATIONS OF NEW YORK CITY TRAFFIC REGULATIONS
BY SMUN STAFF. TEXT OF USUN'S NOTE, WHICH WILL BE CIR-
CULATED AS HOST COUNTRY COMMITTEE DOCUMENT, IS AS FOLLOWS:

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THE UNITED STATES MISSION TO THE UNITED NATIONS
PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSION OF
THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED
NATIONS AND REFERS TO ITS NOTE OF JANUARY 21, 1975
REGARDING VIOLATIONS OF NEW YORK TRAFFIC REGULATIONS
BY THE STAFF OF THE SOVIET MISSION.

THE UNITED STATES MISSION BELIEVES IT APPROPRIATE
TO REFER TO ARTICLE 41 OF THE VIENNA CONVENTION ON
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DIPLOMATIC RELATIONS WHICH STATES THE FOLLOWING LONG

ESTABLISHED PRINCIPLE OF INTERNATIONAL LAW;

"WITHOUT PREJUDICE TO THEIR PRIVILEGES AND IMMUNITIES, IT IS THE DUTY OF ALL PERSONS ENJOYING SUCH PRIVILEGES AND IMMUNITIES TO RESPECT THE LAWS AND REGULATIONS OF THE RECEIVING STATE."

THE TEXT OF THIS CONVENTION IS UNAMBIGUOUS. IT IS THEREFORE CLEARLY THE DUTY OF THE SOVIET MISSION TO RESPECT THE LAWS AND REGULATIONS, INCLUDING PARKING REGULATIONS, OF THE HOST COUNTRY. THE ISSUANCE OF PARKING VIOLATION SUMMONSES IS NOT AN "UNLAWFUL PRACTICE" OF THE HOST COUNTRY BUT IS AN ENTIRELY CORRECT EXERCISE OF ITS LEGITIMATE POLICE POWERS. AN EXAMINATION OF THE COMPUTERIZED LIST OF VIOLATIONS BY DRIVERS OF DIPLOMATIC VEHICLES REVEALS THAT THE SOVIET MISSION HAS ACCUMULATED THE UNREASONABLY LARGE NUMBER OF 3,609 VIOLATIONS FOR THE PERIOD OF THREE MONTHS. IN THE MONTH OF DECEMBER ALONE, THE SOVIET MISSION ACCUMULATED 916 VIOLATIONS. THIS FIGURE FOR DECEMBER, FOR EXAMPLE, REPRESENTS MORE THAN 11 0/0 OF ALL VIOLATIONS ISSUED TO DIPLOMATS AND CONSULS IN NEW YORK CITY WHEREAS THE NUMBER OF CARS REGISTERED TO THE SOVIET MISSION IS ONLY 4 0/0 OF THE TOTAL NUMBER OF DPL AND FC VEHICLES. THIS ACCUMULATION REFLECTS ONLY THOSE GIVEN TO VEHICLES DRIVEN BY MEMBERS OF THE SOVIET MISSION AND DOES NOT INCLUDE THOSE OF THE BYELORUSSIAN OR UKRAINIAN MISSIONS. ELEVEN SOVIET VEHICLES RECEIVED MORE THAN 100 CITATIONS EACH IN THE THREE MONTH PERIOD WHICH MEANS THAT DRIVERS OF THESE VEHICLES WERE GENERATING MORE THAN ONE TICKET PER DAY. THESE VEHICLES ARE AS FOLLOWS: DPL 611-134 VIOLATIONS; DPL 629--108 VIOLATIONS; DPL 721--141 VIOLATIONS; DPL 811--104 VIOLATIONS; DPL 851--111 VIOLATIONS; DPL 968--115 VIOLATIONS; 407 DPL --109 VIOLATIONS; 626 DPL--129 VIOLATIONS; 764 DPL--113 VIOLATIONS; 879 DPL --115 VIOLATIONS; 882 DPL --124 VIOLATIONS. THESE NUMBERS REVEAL AN UNACCEPTABLY HIGH LEVEL OF VIOLATIONS AND SHOW A BLATANT DISREGARD FOR NEW YORK CITY'S REGULATIONS.

SOME OF THE VIOLATIONS COMMITTED BY THE DRIVERS OF SOVIET VEHICLES ARE PARTICULARLY SERIOUS. FOR EXAMPLE, UNCLASSIFIED

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IN THE MONTHS OF NOVEMBER AND DECEMBER SOVIET DRIVERS RECEIVED TICKETS FOR:

NUMBER OF TICKETS	VIOLATIONS--PARKING IN
122	BUS STOPS
18	FIRE HYDRANTS
7	CROSS WALKS

THE FACT THAT THE UNITED STATES MISSION HAS REFERRED ABOVE TO VIOLATIONS INVOLVING PARKING IN FRONT OF FIRE HYDRANTS, IN BUS STOPS, OR IN CROSS WALKS DOES NOT IMPLY, AND SHOULD NOT BE TAKEN TO IMPLY, THAT OTHER VIOLATIONS ARE TO BE DISREGARDED. MANY TICKETS HAVE BEEN GIVEN TO SOVIET AUTOMOBILES PARKED IN SPACES CONTROLLED BY PARKING METERS. THE UNITED STATES MISSION WISHES TO REMIND THE SOVIET MISSION THAT THE USE OF THESE PARKING SPACES REQUIRES THE PAYMENT OF A RENTAL FEE (BY PAYMENT INTO THE METER) FOR THE USE OF THE SPACE FOR A BRIEF PERIOD OF TIME. THEY ARE NOT INTENDED FOR ALL DAY PARKING. THESE SPACES WERE SET ASIDE FOR ALL MEMBERS OF THE COMMUNITY TO CARRY OUT THEIR BUSINESS. TO DISREGARD THE RIGHTS OF OTHERS IS A DISCOURTESY AND AN ABUSE OF DIPLOMATIC PRIVILEGE WHICH CAN ONLY BE DEPLORED. DEPOSITING THE REQUIRED MONEY IN A PARKING METER DOES NOT INVOLVE PAYMENT OF A TAX BUT IS A FEE FOR RENTAL OF SPACE.

THE SOVIET NOTE OF JANUARY 21, 1975 INCORRECTLY CLAIMED THAT THE UNITED STATES MISSION HAD MADE PROMISES TO PROVIDE ADDITIONAL PARKING SPACES FOR AUTOMOBILES BELONGING TO THE SOVIET MISSION. DIPLOMATIC PARKING SPACES ARE GRANTED BY THE NEW YORK CITY TRAFFIC COMMISSIONER. REQUESTS FOR SUCH SPACES ARE RECEIVED BY THE NEW YORK CITY COMMISSION FOR THE UNITED NATIONS. THE UNITED STATES MISSION TO THE UNITED NATIONS FORWARDS REQUESTS BY MISSIONS FOR SPACES TO THE APPROPRIATE LOCAL AUTHORITIES. NO PROMISES WERE MADE OTHER THAN TO ASSURE THE SOVIET MISSION THAT ITS REQUEST WOULD BE CONSIDERED. IT SHOULD BE BORNE IN MIND HOWEVER THAT SPACES SO ALLOCATED ARE NOT A LEGAL RIGHT OF ANY MISSION BUT ARE AWARDED AS A COURTESY BY THE CITY OF NEW YORK.

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THE SOVIET MISSION IS ALSO INCORRECT IN STATING THAT NON-DIPLOMATIC VEHICLES PARKED IN RESERVED DIPLOMATIC SPACES ARE NOT TICKETED OR TOWED. THE UNITED STATES MISSION RECEIVES REGULAR REPORTS INDICATING THAT AN AVERAGE OF SEVENTY TICKETS ARE ISSUED WEEKLY TO NON-DIPLOMATIC CARS IN DIPLOMATIC PARKING SPACES, AND THAT ANYWHERE FROM FIVE TO TWENTY NON-DPL CARS ARE REMOVED WEEKLY FROM THESE SPACES BY TOWING. OWNERS OF NON-DPL CARS MUST PAY A FEE OF \$25.00 FOR TICKETS AND \$50.00 FOR THE TOWING CHARGE.

THE UNITED STATES MISSION HAS TAKEN DUE NOTE OF THE INFORMATION PROVIDED BY THE SOVIET MISSION REGARDING VIOLATIONS OF ITS ASSIGNED PARKING SPACES BY NON-DPL VEHICLES AND HAS BROUGHT THIS INFORMATION TO THE ATTENTION

OF LOCAL AUTHORITIES.

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INFO OCT-01 EUR-12 ISO-00 CPR-01 L-02 CIAE-00 DODE-00

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TO SECSTATE WASHDC 9014

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THE SOVIET MISSION HAS SEEN FIT TO REFER TO THE RE-
COMMENDATIONS CONTAINED IN THE REPORT OF THE COMMITTEE
ON RELATIONS WITH THE HOST COUNTRY (A/9626). PARAGRAPH 9
OF THE RECOMMENDATIONS SPECIFICALLY REQUESTS ALL MEMBERS
OF THE DIPLOMATIC COMMUNITY TO RESPECT THE LAWS AND
PARKING REGULATIONS OF THE HOST COUNTRY AND TO MAKE A
SPECIAL EFFORT TO AVOID PARKING IMPROPERLY. THE
COMMITTEE NOTES THAT THE PRACTICE OF TICKETING DIPLOMATIC
VEHICLES STILL CONTINUES. THIS INFORMATION IS OF COURSE
CORRECT. IF THESE VEHICLES WERE NOT TICKETED, THERE
WOULD BE NO WAY IN WHICH THE HOST COUNTRY COULD ASCERTAIN
WHETHER OR NOT DRIVERS OF DIPLOMATIC VEHICLES WERE "RE-
SPECTING THE LAWS AND PARKING REGULATIONS OF THE HOST
COUNTRY." FINALLY AS CONCERNS THE RECOMMENDATIONS OF THE
COMMITTEE, THE UNITED STATES MISSION WISHES TO POINT OUT
TO THE SOVIET MISSION THE LAST RECOMMENDATION IN PARA
GRAPH 9 IN WHICH THE COMMITTEE ASKS MISSIONS TO ENDEAVOR
TO OBTAIN OFF-STREET PARKING FOR THE DIPLOMATIC VEHICLES
ASSIGNED TO THEIR MISSIONS. THE SOVIET MISSION HAS A GA-
RAGE IN ITS BUILDING ON EAST 67TH STREET. IT COULD EXAMINE
OTHER AND ADDITIONAL OFF-STREET SOURCES FOR PARKING SO AS
NOT TO BE PLACED IN THE POSITION OF CONTINUALLY DISRE-
GARDING THE CITY'S PARKING REGULATIONS.

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THE SOVIET MISSION HAS ALSO REFERRED TO AN ARTICLE IN THE NEW YORK POST OF JANUARY 15, 1975 ON THIS GENERAL SUBJECT. THE POST OBTAINED ITS DATA FROM THE PARKING VIOLATIONS BUREAU WHICH, UNDER NEW YORK STATE'S "FREEDOM OF INFORMATION ACT", OPENS ITS RECORDS FOR PUBLIC INSPECTION. THE UNITED STATES MISSION REJECTS THE UNFOUNDED CHARGE IN THE SOVIET NOTE OF JANUARY 21, 1975 THAT AMERICAN AUTHORITIES WERE ATTEMPTING TO STIMULATE HOSTILE FEELINGS TOWARDS MISSIONS TO THE UNITED NATIONS AND BELIEVES IT IMPORTANT TO REMIND THE SOVIET MISSION OF THE FUNDAMENTAL PRINCIPLE OF FREEDOM OF THE PRESS AS APPLIED IN THE UNITED STATES.

FINALLY, THE SOVIET MISSION COMPLAINS OF A "SYSTEMATIC CAMPAIGN OF DELIBERATELY TICKETING AUTOMOBILES BELONGING TO THE PERMANENT MISSION OF THE UNION OF SOVIET SOCIALIST REPUBLICS TO THE UNITED NATIONS AND ITS STAFF." THERE IS NO SUCH CAMPAIGN. TICKETS WOULD CEASE TO BE ISSUED INSTANTLY IF THE SOVIET MISSION AND ITS STAFF WOULD PARK THEIR AUTOMOBILES LEGALLY. COMPLIANCE WITH SUCH REGULATIONS BY DIPLOMATS ENHANCES THE RESPECT AND PRESTIGE DUE TO THEM. UNITED STATES AUTHORITIES, FEDERAL, STATE, AND LOCAL, WISH NEW YORK CITY TO BE A SAFE, CONVENIENT AND COMFORTABLE PLACE TO LIVE. COMPLIANCE WITH THE PARKING LAWS AND REGULATIONS IS A NOT INSIGNIFICANT CONTRIBUTION TO THESE BENEFITS. UNQTE
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